

IN RE: PETITIONS FOR SPECIAL HEARING	* BEFORE THE
AND VARIANCE - SW/Corner Middle	
River Road & Windlass Drive	* ZONING COMMISSIONER
(1302 Windlass Drive)	
15th Election District	* OF BALTIMORE COUNTY
5th Councilmanic District	
	* Case No. 96-79-XA
Cloverland Farms Dairy, Inc.	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 1302 Windlass Drive, located in the vicinity of Martin Boulevard in Middle River. The Petition was filed by the owners of the property, Cloverland Farms Dairy, Inc., by John M. Kemp, Vice President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special exception to permit a fuel service station on an individual site with a use in combination food store with a sales area larger than 1500 sq.ft., pursuant to Sections 405.4.E.1 and 405.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.) In addition to the special exception relief sought, the Petitioners seek a variance from Section 405.4.B of the B.C.Z.R. to waive the required restroom facility. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were John M. Kemp, Vice President of Cloverland Farms Dairy, Inc., and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants.

Testimony and evidence offered revealed that the subject property consists of 1.287 acres, more or less, zoned B.M.-C.C.C. and is presently improved with a Royal Farm retail-convenience store, which has existed on

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Date

By

MICROFILMED

the site for 20 years. The Petitioners propose to renovate the existing store and install fuel pump islands to provide one stop convenience shopping for its customers. Many of the fuel oil companies are installing convenience store operations, and conversely, many convenience stores are now offering fuel. Testimony indicated that approval for up to four pump islands has been requested, although only three may be installed at the present time. The Petitioners testified that the site will be extensively rehabilitated, including additional landscaping as shown on the site plan.

The Petition for Special Exception is governed by Section 502.1 and Section 405 of the B.C.Z.R. As to Section 502.1, it is clear that the use proposed will not be detrimental to the health, safety and general welfare of the surrounding locale. The Royal Farm Store has existed on the property for many years and has not caused any ill effects upon the community nearby. Furthermore, the requirements of Section 405 of the B.C.Z.R. will be met and is supported by the marketing study submitted into evidence as Petitioner's Exhibit 2. This study states that the proposed renovations and plan are economically viable and as such, are in compliance with Section 405.3 of the B.C.Z.R.

It should be noted that favorable Zoning Plans Advisory Committee (ZAC) comments were received from the Office of Planning and Zoning in which they state that this is an opportunity for the owners to upgrade the subject property. Furthermore, they suggested that additional landscaping be installed to buffer the uses from the adjoining residential community. Therefore, the granting of this relief shall be contingent upon the Petitioners submitting a landscape plan for review and approval by the Landscape Architect for Baltimore County. In addition, comments were submitted by the Department of Environmental Protection and Resource Management

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Date 10/24/65
By Bjo

(DEPRM) which indicate that at one time, gasoline tanks were present on this site, but were removed in 1991. However, there was no evidence of any contamination of any kind. Thus, it appears that the requested special exception meets the approval of the various Baltimore County reviewing agencies and should therefore be granted.

As to the Petition for Variance, the Petitioners have requested a waiver of restroom requirements. They indicate that loitering is a problem in this area and that the lack of a restroom facility on the subject property will discourage loitering at or near the site. This request is consistent with the comments submitted by the Office of Planning and Zoning and clearly, will not be detrimental to the surrounding locale.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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Date

By

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of October, 1995 that the Petition for Special Exception to permit a full service station on an individual site with a use in combination food store with a sales area larger than 1500 sq.ft., in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

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2) Prior to the issuance of any use permits, the Petitioners shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County.

3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 405.4.B of the B.C.Z.R. to waive the required restroom facility, be and is hereby GRANTED.

LES:bjs



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 1/24/95

By Rep

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 24, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SW/Corner Middle River Road & Windlass Drive
(1302 Windlass Drive)
15th Election District - 5th Councilmanic District
Cloverland Farms Dairy, Inc. - Petitioners
Case No. 96-79-XA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. John M. Kemp, Vice President, Cloverland Farms Dairy, Inc.,
2200 N. Monroe Street, Baltimore, Md. 21217

People's Counsel

File



Petition for Special Exception

96-79-XA

to the Zoning Commissioner of Baltimore County

for the property located at

1302 Windlass Drive, Baltimore, MD 21220

which is presently zoned BM-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for Special Exception pursuant to Sections 405.4.E.1 and 405.2.B of the Baltimore County Zoning Regulations to permit a full service station on an individual site with a use in combination food store with a sales area larger than 1,500 square feet

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner.

Robert A. Hoffman
(Type or Print Name)

Signature Venable, Baetjer and Howard LLP

210 Allegheny Avenue 494-6200

Address Phone No.

Towson, Maryland 21204

City State Zipcode

Legal Owner(s):

Cloverland Farms Dairy, Inc.
(Type or Print Name)

By: John M. Kemp, Vice President

(Type or Print Name)

Signature

2200 N. Monroe Street 669-2222 (X103)

Address Phone No.

Baltimore, Maryland 21217

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Name Venable, Baetjer and Howard LLP

210 Allegheny Avenue 494-6200

Address Phone No.

Towson, MD 21204

City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

MICROFILMED

ORDER RECEIVED FOR FILING

Date

BY



Petition for Variance

96-79-XA

to the Zoning Commissioner of Baltimore County

for the property located at 1302 Windlass Drive, Baltimore, MD 21220

which is presently zoned BM-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

405.4.B of the Baltimore County Zoning Regulations to waive the required restroom facility.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

to be determined at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman
(Type or Print Name)

Venable, Baetjer and Howard LLP
Signature

210 Allegheny Avenue 494-6262
Address Phone No

Towson Maryland 21204
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Cloverland Farms Dairy, Inc.

(Type or Print Name)

By: John M. Kemp, V.P.
Signature

John M. Kemp, Vice President

John M. Kemp
(Type or Print Name)

Signature

2200 N. Monroe Street 669-2222 (X103)
Address Phone No

Baltimore, Maryland 21217
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Venable, Baetjer and Howard LLP

210 Allegheny Avenue
Name

Towson, Maryland 21204 494-6200
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

REVIEWED BY:

DATE

8/17/95

ORDER RECEIVED FOR FILING

Date

By

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

73

96-79-XA

Description of Parcel C from Record Plat 43/20
to accompany Special Exception and Variance requests.

August 17, 1995

Beginning for the same at a point on the western right-of-way line of Middle River Road, said point of beginning being also located South 18° 15' East 63 feet from the intersection of the centerlines of Windlass Drive and Middle River Road running thence and leaving said point of beginning, binding on the existing western right-of-way line the following course;

1 - A curve to the right, having a radius of 2684.31 feet, a length of 174.47 feet and a chord bearing and length of South 38° 32' 08" East 395.02 feet, thence leaving said right-of-way line the following courses;

2 - South 50° 58' 07" West 115.21 feet.

3 - South 83° 21' 30" West 225.65 feet.

4 - North 70° 15' 00" West 55.90 feet.

5 - A curve to the right, having a radius of 15.00 feet, a length of 15.96 feet and a chord bearing and length of North 39° 46' 06" West 15.32 feet,

6 - North 09° 17' 10" West 89.66 feet to a point on the southern right-of-way line of Windlass Drive thence binding on the said southern right-of-way line the following courses;

7 - A curve to the left, having a radius of 535.00 feet, a length of 268.58 feet and a chord bearing and length of North 65° 38' 56" East 278.11 feet,

8 - South 88° 20' 48" East 35.46 feet, to the point of beginning.

Containing 1.287 acres of land more or less.

NOTE: The above description is for Zoning purposes only and is not to be used for conveyances or agreements.



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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-79-X12

District: 1508 Date of Posting: 9/23/95

Posted for: Special Exception & Variance

Petitioner: Royal Farm Store

Location of property: 1302 Windlass Drive

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 9/29/95
Signature

Number of Signs: 1



CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-79-XA (Item 73)
1302 Windlass Drive - Royal Farm Store
SWC Middle River Road and Windlass Drive
15th Election District
5th Councilmanic
Legal Owner:

Cloverland Farms Dairy, Inc.
Hearing, Tuesday
October 10, 1995 at 11:00 a.m.
in Rm. 118, Old Courthouse.

Special Exception to permit a full service station on an individual site with a use in combination food store with a sale area larger than 1,500 sq. ft. Variance to waive the required restroom facility.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3353.

(2) For information concerning the file and/or hearing, please call 887-3391.

9/18/95 Sept. 21.

TOWSON, MD.,

9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/21, 1995.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

~~Signature~~

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

NO. 73 By JLL
004664

DATE 8/17/95 ACCOUNT R0016150

96-79-XA AMOUNT \$ 620.00

RECEIVED FROM: Vonable Baetz & Howard
1302 WINDLASS DR.

FOR: Special Caption 300.00
Variance 250.00
(2) Signs 70.00
02A0280161MTCHE
BA 0009:21AND08-17-95

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



POST
2 SIGNS
1 EACH RD

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 73

Petitioner: Cloverland Farms Dairy, Inc.

Location: 1302 Windlass Drive, Baltimore, MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Robert A. Hoffman

ADDRESS: 210 Allegheny Avenue
Towson MD 21204

PHONE NUMBER: (410) 494-6262

AJ:ggs

(Revised 04/09/93)

TO: PUTUMKENT PUBLISHING COMPANY
September 21, 1995 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esq.
210 Allegheny Avenue
Towson, MD 21204
494-6200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-79-XA (Item 73)
1302 Windlass Drive - Royal Farm Store
SWC Middle River Road and Windlass Drive
15th Election District - 5th Councilmanic
Legal Owner: Cloverland Farms Dairy, Inc.
HEARING: TUESDAY, OCTOBER 10, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception to permit a full service station on an individual site with a use-in-combination food store with a sales area larger than 1,500 sq. ft.
Variance to waive the required restroom facility.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 11, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-79-XA (Item 73)
1302 Windlass Drive - Royal Farm Store
SWC Middle River Road and Windlass Drive
15th Election District - 5th Councilmanic
Legal Owner: Cloverland Farms Dairy, Inc.
HEARING: TUESDAY, OCTOBER 10, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception to permit a full service station on an individual site with a use-in-combination food store with a sales area larger than 1,500 sq. ft.
Variance to wave the required restroom facility.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Cloverland Farms Dairy, Inc.
Robert A. Hoffman, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 3, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 73
Case No.: 96-79-XA
Petitioner: Cloverland Farms

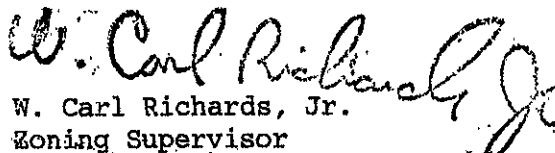
Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 17, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 21, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 1302 Windlass Drive

INFORMATION:

Item Number: 73

Petitioner: Cloverland Farms Dairy, Inc.

Property Size: _____

Zoning: BM-CCC

Requested Action: Variance and Special Exception

Hearing Date: ____/____/____

SUMMARY OF RECOMMENDATIONS:

The existing Royal Farm Store has an unkempt appearance and no landscaping exists which would serve to improve the site's image. The dumpster area is suffering from deferred maintenance, and the parking lot is used for tractor trailer parking in the evening hours.

The proposed renovation of this property provides an opportunity to bring this site into compliance with current standards. The renovation should include refacing the building, screening the dumpsters and replacing the existing pole sign (staff recommends a ground mounted sign to replace the existing sign). Careful consideration of light standard location and direction must also be addressed. In addition, landscaping of the site should be used to help establish a positive public image which might result in discouraging the amount of loitering which has plagued the existing convenience store.

It is also recommended that the applicant seek input from the Baltimore County Police Department regarding issues not limited to the following:

- 1) Loitering
- 2) Parking of tractor trailers
- 3) Use of window advertising signs

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TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Miller, III, Director, OP

Anticipating that all of these concerns can be addressed, this office recommends that the applicant's request be granted.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kline

PK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 13, 1995

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item (#73) - Royal Farm Store
1302 Windlass Drive
Zoning Advisory Committee Meeting of August 28, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Waste Management

This facility had four (4) 12,000 gallon gasoline tanks removed in April 1991. Inspection of the tanks and tank pit by MDE Oil Control Inspector, Mr. Bob Bangert, revealed no evidence of tank failure or contamination on site.

✓
JLP:EGS:sp

ROYAL/DEPRM/TXTSBP

MAILED 10/13/95

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Sept. 7, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for September 5, 1995
Item No. 073

The Development Plans Review Division has reviewed the subject zoning item. The submitted schematic landscape plan is subject to refinement at the final landscape plan state.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/30/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 28, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 66,67,68,69,70,71,73, 74,75,77,79 & 80.

RECEIVED

RECEIVED

SEP 5 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F





**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-30-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 073 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

MICROFILMED

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

SITE SELECTION & DEVELOPMENT SERVICES, INC.

1200 Canberwell Road
Baltimore, Maryland 21228
(410) 744-0544

October 9, 1995

Mr. John M. Kemp
Vice-President
Royal Farm Stores
2200 North Monroe Street
Baltimore, Maryland 21217

RE: Middle River Road and
Windlass Road
Baltimore County, Maryland

Dear John:

Per your request, I have visited and evaluated your above existing store location. The proposed installation of a gasoline multi-pump island under canopy is a very positive economic move.

As you no doubt know, it is virtually impossible today to open a new convenience store without including gasoline facilities. For the last several years none of your competitors has opened any new convenience stores without including gasoline. In fact, several companies are re-evaluating their existing convenience stores that do not have gasoline with the possibility of installing gasoline equipment. The Southland Corporation (7-Eleven) although very inactive in new construction for the last several years, has begun a major evaluation of their existing stores that can possibly accommodate gasoline equipment. The WaWa Corporation, who in the past was not interested in selling gasoline, is re-evaluating their whole marketing plan and, as I have learned, will only look at new locations if gasoline is available.

From an economic standpoint, the inclusion of gasoline not only adds to the overall customer convenience but also increases your inside sales as well. When an old store upgrades to include gasoline equipment the inside store sales will increase between 25% to 40%.

Attached for your reference is a copy of my resume. As noted, I have many years' experience in site selection and site evaluation for several major corporations in several states. Since my retirement from corporate real estate I have served as a consultant and evaluator for several convenience store companies and oil companies. If more background information is needed please advise.

Ref No 2

-2-

I would estimate that the gasoline sales at this existing store will be:

Gasoline - \$900,000 - \$1,250,000

If more data is needed, please advise.

Sincerely,


Harry Brown

RESUME

WILLIAM H. (HARRY) BROWN, JR.
1200 CANBERWELL ROAD
BALTIMORE, MARYLAND 21228
TELEPHONE (301) 744-0544

The Wills Group, (Dash-In Food Stores), LaPlata, MD., December 7, 1987 to December 31, 1991 * See Page 2

Director of Real Estate and Development - Fully responsible for all real estate and construction projects within the company.

The Southland Corporation (7-Eleven), Baltimore, Maryland
March 1976 to October 31, 1987

Senior Real Estate Representative - Real Estate negotiator, site selector, including marketing studies, zoning and permit activities and other related real estate activities in Maryland and Washington D.C. areas.

Professional Real Estate, Inc., Catonsville, MD. - August 1975 to February, 1976

Real Estate Sales Agent - Commission agent for residential and commercial property.

Student - December, 1974 to July, 1975

Attended college to complete required courses to secure State of Maryland Real Estate license.

The Firestone Tire & Rubber Company, March 1972 to November, 1974

Real Estate negotiator for all purchases and leases of retail stores, warehouses and plant sites in Maryland, Virginia, West Virginia, Pennsylvania, North Carolina, Delaware, Washington, D.C., Massachusetts, Georgia and Florida. Responsible for property appraisals, site selection, zoning permits, marketing surveys and all other real estate duties.

Texaco, Inc., July, 1966 to January 1972

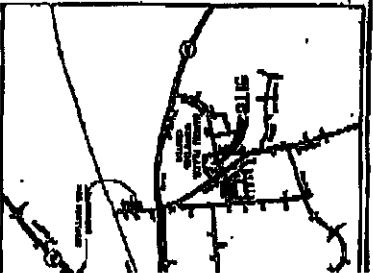
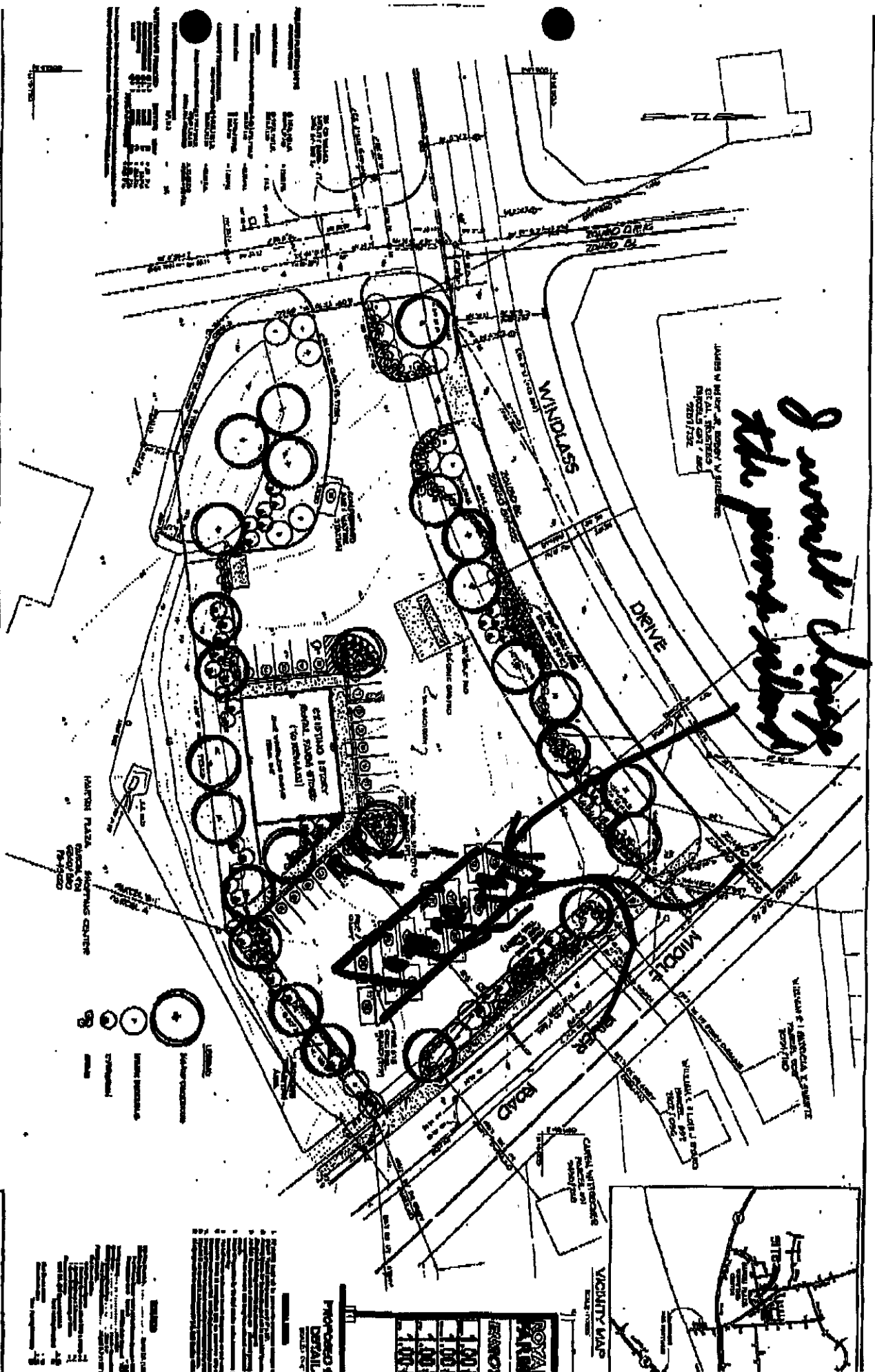
Real Estate Agent for Maryland, Virginia, Delaware, and Washington D.C., where duties included purchasing and/or leasing service station sites, selling surplus properties, appraising properties, site selection, and all phases of real estate activities.

Hess Oil and Chemical Corporation, June, 1965 to June 30, 1966

Real Estate Representative engaged in service station development in Maryland, Delaware and Washington, D. C.

*I would love
the pure & simple*

JAMES W. HAY JR., ROBERT V. STEINER
ET AL, PLAINTIFFS
DEVELOPMENT, INC., DEFENDANT
2/20/72



PROPOSED & DETAIL

NO.	DESCRIPTION	DATE
1	PRELIMINARY	1/10/72
2	REVISION	1/10/72
3	REVISION	1/10/72
4	REVISION	1/10/72
5	REVISION	1/10/72
6	REVISION	1/10/72
7	REVISION	1/10/72
8	REVISION	1/10/72
9	REVISION	1/10/72
10	REVISION	1/10/72



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ONE WINDASS DRIVE
CLOVERLAND, MISSISSIPPI 39002
(601) 888-8231



Cloverland Farms Dairy, Inc.
2200 South Randle Street
Baltimore, Maryland 21217
(410) 686-2232

ROYAL FARM ST. PROJECT
DEVELOPMENT, INC.
2200 South Randle Street
Baltimore, Maryland 21217
(410) 686-2232

ROYAL FARM ST.
DEVELOPMENT, INC.
2200 South Randle Street
Baltimore, Maryland 21217
(410) 686-2232

TRADE AREA MAP

Middle River + Windlass

10/6/95



PART OF BALTIMORE CO.
ZONING MAPS NE-4H &
NE-4I - 1992

SHOWING

PARCEL C OF
RECORD PLAT 43/20
OWNED BY
CLOVERLAND FARMS DAIRY, INC.

SCALE: 1" = 200'

DATE: AUGUST 17, 1995

G.W. STEPHENS JR. & ASSOC.

96-79-XA

D.R. 16

D.R. 16

D.R. 10.5

D.R. 16

BM-CCC

BM-CCC

BM-CSA

BR-CCC

BL-CSA

SITE

BL

BL-CCC

BL

D.R. 16

MARTIN BOULEVARD
ELEMENTARY SCHOOL

RIVERTON

BALLARD

DORNTON

AVENUE

CHILWORTH

AVENUE

BECKLOW

AVENUE

ENDSLEIGH

ROAD

ROAD

BLVD

DRIVE

WINDLASS

DR

LAIRWAY

MIDLASS DR

EGO DR

MIDEGO DR

RD

MIDDLEWAY RD

DIHEDRAL

5.5

POINT OF BEGINNING
OR N14,000

MIDDLE

RIVER

RD

MARTIN

IN RE: PETITIONS FOR SPECIAL HEARING	* BEFORE THE
AND VARIANCE - SW/Corner Middle	
River Road & Windlass Drive	* ZONING COMMISSIONER
(1302 Windlass Drive)	
15th Election District	* OF BALTIMORE COUNTY
5th Councilmanic District	
	* Case No. 96-79-XA
Cloverland Farms Dairy, Inc.	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 1302 Windlass Drive, located in the vicinity of Martin Boulevard in Middle River. The Petition was filed by the owners of the property, Cloverland Farms Dairy, Inc., by John M. Kemp, Vice President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special exception to permit a fuel service station on an individual site with a use in combination food store with a sales area larger than 1500 sq.ft., pursuant to Sections 405.4.E.1 and 405.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.) In addition to the special exception relief sought, the Petitioners seek a variance from Section 405.4.B of the B.C.Z.R. to waive the required restroom facility. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were John M. Kemp, Vice President of Cloverland Farms Dairy, Inc., and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants.

Testimony and evidence offered revealed that the subject property consists of 1.287 acres, more or less, zoned B.M.-C.C.C. and is presently improved with a Royal Farm retail-convenience store, which has existed on

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

the site for 20 years. The Petitioners propose to renovate the existing store and install fuel pump islands to provide one stop convenience shopping for its customers. Many of the fuel oil companies are installing convenience store operations, and conversely, many convenience stores are now offering fuel. Testimony indicated that approval for up to four pump islands has been requested, although only three may be installed at the present time. The Petitioners testified that the site will be extensively rehabilitated, including additional landscaping as shown on the site plan.

The Petition for Special Exception is governed by Section 502.1 and Section 405 of the B.C.Z.R. As to Section 502.1, it is clear that the use proposed will not be detrimental to the health, safety and general welfare of the surrounding locale. The Royal Farm Store has existed on the property for many years and has not caused any ill effects upon the community nearby. Furthermore, the requirements of Section 405 of the B.C.Z.R. will be met and is supported by the marketing study submitted into evidence as Petitioner's Exhibit 2. This study states that the proposed renovations and plan are economically viable and as such, are in compliance with Section 405.3 of the B.C.Z.R.

It should be noted that favorable Zoning Plans Advisory Committee (ZAC) comments were received from the Office of Planning and Zoning in which they state that this is an opportunity for the owners to upgrade the subject property. Furthermore, they suggested that additional landscaping be installed to buffer the uses from the adjoining residential community. Therefore, the granting of this relief shall be contingent upon the Petitioners submitting a landscape plan for review and approval by the Landscape Architect for Baltimore County. In addition, comments were submitted by the Department of Environmental Protection and Resource Management

ORDER RECEIVED FOR FILING
Date 10/24/65
By Bjo

(DEPRM) which indicate that at one time, gasoline tanks were present on this site, but were removed in 1991. However, there was no evidence of any contamination of any kind. Thus, it appears that the requested special exception meets the approval of the various Baltimore County reviewing agencies and should therefore be granted.

As to the Petition for Variance, the Petitioners have requested a waiver of restroom requirements. They indicate that loitering is a problem in this area and that the lack of a restroom facility on the subject property will discourage loitering at or near the site. This request is consistent with the comments submitted by the Office of Planning and Zoning and clearly, will not be detrimental to the surrounding locale.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

ORDER RECEIVED FOR FILING

Date

By

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of October, 1995 that the Petition for Special Exception to permit a full service station on an individual site with a use in combination food store with a sales area larger than 1500 sq.ft., in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

ORDER RECEIVED FOR FILING

Date

By


MICROFILMED

2) Prior to the issuance of any use permits, the Petitioners shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County.

3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 405.4.B of the B.C.Z.R. to waive the required restroom facility, be and is hereby GRANTED.

LES:bjs



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 1/24/95

By Rep

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 24, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SW/Corner Middle River Road & Windlass Drive
(1302 Windlass Drive)
15th Election District - 5th Councilmanic District
Cloverland Farms Dairy, Inc. - Petitioners
Case No. 96-79-XA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. John M. Kemp, Vice President, Cloverland Farms Dairy, Inc.,
2200 N. Monroe Street, Baltimore, Md. 21217

People's Counsel

File



Petition for Special Exception

96-79-XA

to the Zoning Commissioner of Baltimore County

for the property located at

1302 Windlass Drive, Baltimore, MD 21220

which is presently zoned BM-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for Special Exception pursuant to Sections 405.4.E.1 and 405.2.B of the Baltimore County Zoning Regulations to permit a full service station on an individual site with a use in combination food store with a sales area larger than 1,500 square feet

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner.

Robert A. Hoffman

(Type or Print Name)

Venable, Baetjer and Howard LLP

210 Allegheny Avenue 494-6200

Towson, Maryland 21204

City State Zipcode

Legal Owner(s):

Cloverland Farms Dairy, Inc.

(Type or Print Name)

By:

Signature John M. Kemp, Vice President

(Type or Print Name)

Signature

2200 N. Monroe Street 669-2222 (X103)

Address Phone No

Baltimore, Maryland 21217

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Name Venable, Baetjer and Howard LLP

210 Allegheny Avenue 494-6200

Towson, MD 21204 Phone No.

City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

MICROFILMED

ORDER RECEIVED FOR FILING

Date

BY



Petition for Variance

96-79-XA

to the Zoning Commissioner of Baltimore County

for the property located at 1302 Windlass Drive, Baltimore, MD 21220

which is presently zoned BM-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

405.4.B of the Baltimore County Zoning Regulations to waive the required restroom facility.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

to be determined at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman
(Type or Print Name)

Signature Venable, Baetjer and Howard LLP

210 Allegheny Avenue 494-6262
Address Phone No

Towson Maryland 21204
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Cloverland Farms Dairy, Inc.

(Type or Print Name)

By: John M. Kemp, V.P.
Signature John M. Kemp, Vice President

John M. Kemp
(Type or Print Name)

Signature

2200 N. Monroe Street 669-2222 (X103)
Address Phone No

Baltimore, Maryland 21217
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard LLP

Name 210 Allegheny Avenue
Towson, Maryland 21204 494-6200
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: JLR

DATE 8/17/95

ORDER RECEIVED FOR FILING

Date 8/17/95

By JLR

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

73

96-79-XA

Description of Parcel C from Record Plat 43/20
to accompany Special Exception and Variance requests.

August 17, 1995

Beginning for the same at a point on the western right-of-way line of Middle River Road, said point of beginning being also located South 18° 15' East 63 feet from the intersection of the centerlines of Windlass Drive and Middle River Road running thence and leaving said point of beginning, binding on the existing western right-of-way line the following course;

1 - A curve to the right, having a radius of 2684.31 feet, a length of 174.47 feet and a chord bearing and length of South 38° 32' 08" East 395.02 feet, thence leaving said right-of-way line the following courses;

2 - South 50° 58' 07" West 115.21 feet.

3 - South 83° 21' 30" West 225.65 feet.

4 - North 70° 15' 00" West 55.90 feet.

5 - A curve to the right, having a radius of 15.00 feet, a length of 15.96 feet and a chord bearing and length of North 39° 46' 06" West 15.32 feet,

6 - North 09° 17' 10" West 89.66 feet to a point on the southern right-of-way line of Windlass Drive thence binding on the said southern right-of-way line the following courses;

7 - A curve to the left, having a radius of 535.00 feet, a length of 268.58 feet and a chord bearing and length of North 65° 38' 56" East 278.11 feet,

8 - South 88° 20' 48" East 35.46 feet, to the point of beginning.

Containing 1.287 acres of land more or less.

NOTE: The above description is for Zoning purposes only and is not to be used for conveyances or agreements.



MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-79-X12

District: 1508 Date of Posting: 9/23/95

Posted for: Special Exception & Variance

Petitioner: Royal Farm Store

Location of property: 1302 Windlass Drive

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 9/29/95
Signature

Number of Signs: 1



CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-79-XA (Item 73)
1302 Windlass Drive - Royal Farm Store
SWC Middle River Road and Windlass Drive
15th Election District
5th Councilmanic
Legal Owner:

Cloverland Farms Dairy, Inc.
Hearing, Tuesday
October 10, 1995 at 11:00 a.m.
in Rm. 118, Old Courthouse.

Special Exception to permit a full service station on an individual site with a use in combination food store with a sale area larger than 1,500 sq. ft. Variance to waive the required restroom facility.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3353.

(2) For information concerning the file and/or hearing, please call 887-3391.

9/18/95 Sept. 21.

TOWSON, MD.,

9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/21, 1995.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

~~Signature~~

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

73 By JLL
NO. 004664

DATE 8/17/95 ACCOUNT R0016150

96-79-XA AMOUNT \$ 620.00

RECEIVED Vonable Baetz & Howard
FROM: 1302 WINDLASS DR.

FOR: Special Caption 300.00

(1) Variance 250.00
(2) Signs 70.00
02A0280161MTCHE
BA 0009:21AND08-17-95

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



POST
2 SIGNS
1 EACH RD

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 73

Petitioner: Cloverland Farms Dairy, Inc.

Location: 1302 Windlass Drive, Baltimore, MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Robert A. Hoffman

ADDRESS: 210 Allegheny Avenue
Towson MD 21204

PHONE NUMBER: (410) 494-6262

AJ:ggs

(Revised 04/09/93)

TO: PUTUMKENT PUBLISHING COMPANY
September 21, 1995 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esq.
210 Allegheny Avenue
Towson, MD 21204
494-6200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-79-XA (Item 73)
1302 Windlass Drive - Royal Farm Store
SWC Middle River Road and Windlass Drive
15th Election District - 5th Councilmanic
Legal Owner: Cloverland Farms Dairy, Inc.
HEARING: TUESDAY, OCTOBER 10, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception to permit a full service station on an individual site with a use-in-combination food store with a sales area larger than 1,500 sq. ft.
Variance to waive the required restroom facility.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 11, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-79-XA (Item 73)

1302 Windlass Drive - Royal Farm Store

SWC Middle River Road and Windlass Drive

15th Election District - 5th Councilmanic

Legal Owner: Cloverland Farms Dairy, Inc.

HEARING: TUESDAY, OCTOBER 10, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception to permit a full service station on an individual site with a use-in-combination food store with a sales area larger than 1,500 sq. ft.

Variance to wave the required restroom facility.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Cloverland Farms Dairy, Inc.
Robert A. Hoffman, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 3, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 73
Case No.: 96-79-XA
Petitioner: Cloverland Farms

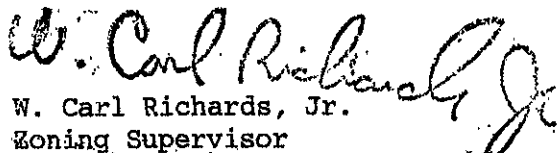
Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 17, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)




BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 21, 1995

FROM: Pat Keller, Director, OP 

SUBJECT: 1302 Windlass Drive

INFORMATION:

Item Number: 73

Petitioner: Cloverland Farms Dairy, Inc.

Property Size: _____

Zoning: BM-CCC

Requested Action: Variance and Special Exception

Hearing Date: ____/____/____

SUMMARY OF RECOMMENDATIONS:

The existing Royal Farm Store has an unkempt appearance and no landscaping exists which would serve to improve the site's image. The dumpster area is suffering from deferred maintenance, and the parking lot is used for tractor trailer parking in the evening hours.

The proposed renovation of this property provides an opportunity to bring this site into compliance with current standards. The renovation should include refacing the building, screening the dumpsters and replacing the existing pole sign (staff recommends a ground mounted sign to replace the existing sign). Careful consideration of light standard location and direction must also be addressed. In addition, landscaping of the site should be used to help establish a positive public image which might result in discouraging the amount of loitering which has plagued the existing convenience store.

It is also recommended that the applicant seek input from the Baltimore County Police Department regarding issues not limited to the following:

- 1) Loitering
- 2) Parking of tractor trailers
- 3) Use of window advertising signs

MICROFILMED

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Miller, III, Director, OP

Anticipating that all of these concerns can be addressed, this office recommends that the applicant's request be granted.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kline

PK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 13, 1995

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item (#73) - Royal Farm Store
1302 Windlass Drive
Zoning Advisory Committee Meeting of August 28, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Waste Management

This facility had four (4) 12,000 gallon gasoline tanks removed in April 1991. Inspection of the tanks and tank pit by MDE Oil Control Inspector, Mr. Bob Bangert, revealed no evidence of tank failure or contamination on site.

✓
JLP:EGS:sp

ROYAL/DEPRM/TXTSBP

MAILED 10/13/95

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Sept. 7, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for September 5, 1995
Item No. 073

The Development Plans Review Division has reviewed the subject zoning item. The submitted schematic landscape plan is subject to refinement at the final landscape plan state.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/30/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 28, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 66,67,68,69,70,71,73, 74,75,77,79 & 80.

RECEIVED

RECEIVED

SEP 5 1995

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

ZADM





**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-30-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 073 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

MICROFILMED

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

SITE SELECTION & DEVELOPMENT SERVICES, INC.

1200 Canberwell Road
Baltimore, Maryland 21228
(410) 744-0544

October 9, 1995

Mr. John M. Kemp
Vice-President
Royal Farm Stores
2200 North Monroe Street
Baltimore, Maryland 21217

RE: Middle River Road and
Windlass Road
Baltimore County, Maryland

Dear John:

Per your request, I have visited and evaluated your above existing store location. The proposed installation of a gasoline multi-pump island under canopy is a very positive economic move.

As you no doubt know, it is virtually impossible today to open a new convenience store without including gasoline facilities. For the last several years none of your competitors has opened any new convenience stores without including gasoline. In fact, several companies are re-evaluating their existing convenience stores that do not have gasoline with the possibility of installing gasoline equipment. The Southland Corporation (7-Eleven) although very inactive in new construction for the last several years, has begun a major evaluation of their existing stores that can possibly accommodate gasoline equipment. The WaWa Corporation, who in the past was not interested in selling gasoline, is re-evaluating their whole marketing plan and, as I have learned, will only look at new locations if gasoline is available.

From an economic standpoint, the inclusion of gasoline not only adds to the overall customer convenience but also increases your inside sales as well. When an old store upgrades to include gasoline equipment the inside store sales will increase between 25% to 40%.

Attached for your reference is a copy of my resume. As noted, I have many years' experience in site selection and site evaluation for several major corporations in several states. Since my retirement from corporate real estate I have served as a consultant and evaluator for several convenience store companies and oil companies. If more background information is needed please advise.

Ref No 2

-2-

I would estimate that the gasoline sales at this existing store will be:

Gasoline - \$900,000 - \$1,250,000

If more data is needed, please advise.

Sincerely,


Harry Brown

RESUME

WILLIAM H. (HARRY) BROWN, JR.
1200 CANBERWELL ROAD
BALTIMORE, MARYLAND 21228
TELEPHONE (301) 744-0544

The Wills Group, (Dash-In Food Stores), LaPlata, MD., December 7, 1987 to December 31, 1991 * See Page 2

Director of Real Estate and Development - Fully responsible for all real estate and construction projects within the company.

The Southland Corporation (7-Eleven), Baltimore, Maryland
March 1976 to October 31, 1987

Senior Real Estate Representative - Real Estate negotiator, site selector, including marketing studies, zoning and permit activities and other related real estate activities in Maryland and Washington D.C. areas.

Professional Real Estate, Inc., Catonsville, MD. - August 1975 to February, 1976

Real Estate Sales Agent - Commission agent for residential and commercial property.

Student - December, 1974 to July, 1975

Attended college to complete required courses to secure State of Maryland Real Estate license.

The Firestone Tire & Rubber Company, March 1972 to November, 1974

Real Estate negotiator for all purchases and leases of retail stores, warehouses and plant sites in Maryland, Virginia, West Virginia, Pennsylvania, North Carolina, Delaware, Washington, D.C., Massachusetts, Georgia and Florida. Responsible for property appraisals, site selection, zoning permits, marketing surveys and all other real estate duties.

Texaco, Inc., July, 1966 to January 1972

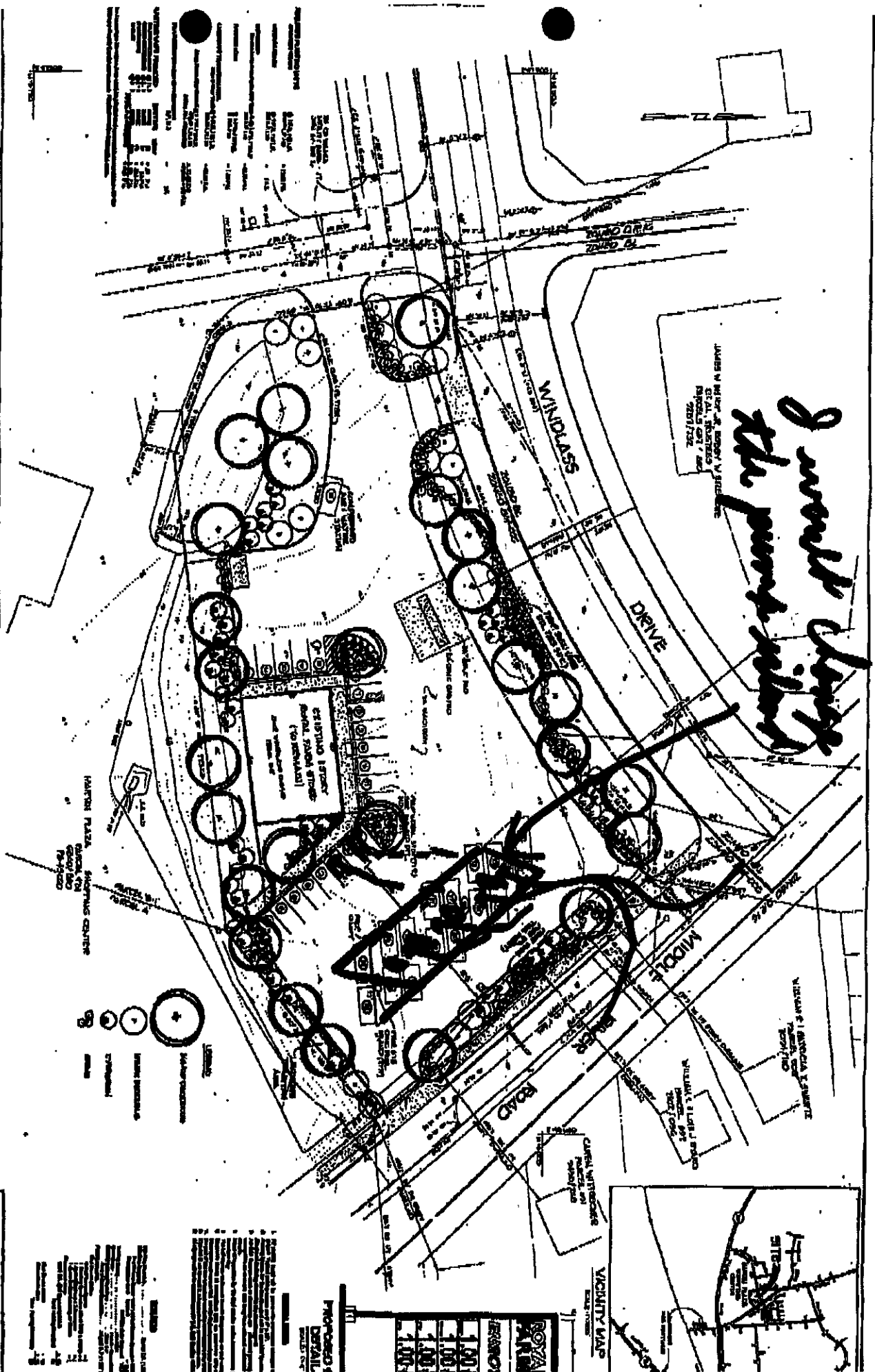
Real Estate Agent for Maryland, Virginia, Delaware, and Washington D.C., where duties included purchasing and/or leasing service station sites, selling surplus properties, appraising properties, site selection, and all phases of real estate activities.

Hess Oil and Chemical Corporation, June, 1965 to June 30, 1966

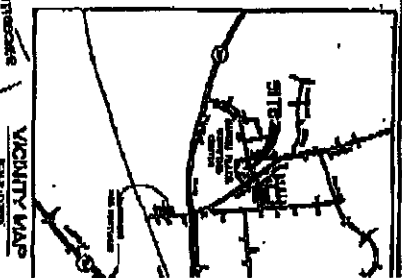
Real Estate Representative engaged in service station development in Maryland, Delaware and Washington, D. C.

*I would love
the pure & simple*

JAMES W. HAY JR., ROBERT V. STEINER
ET AL, PLAINTIFFS
DEVELOPMENT, INC., DEFENDANT
2/20/72



VICINITY MAP



PROPOSED & DETAIL

NO.	DESCRIPTION	DATE
1	100	100
2	100	100
3	100	100
4	100	100
5	100	100
6	100	100
7	100	100
8	100	100
9	100	100
10	100	100



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ONE WINDASS DRIVE
CLOVERLAND, MISSISSIPPI 39002
(601) 838-8231



Cloverland Farms Dairy, Inc.
2200 South Randle Street
Baltimore, Maryland 21217
(410) 686-2232

ROYAL FARM ST. PROJECT
DESIGNED BY: GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CLOVERLAND, MISSISSIPPI
DATE: 10/1/71

PLANTED TO ACCOMMODATE SPECIAL TRAFFIC
VALUATION THROUGH INVESTIGATION
ROYAL FARM ST.
2200 South Randle Street
Baltimore, Maryland 21217
DATE: 10/1/71



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TRADE AREA MAP

Middle River + Windlass

10/6/95



- 1 - 7-Eleven
- 2 - Shell
- 3 - Farm Store
- 4 - Quick O
- 5 - Amoco
- 6 - Highs
- 7 - Citgo
- 8 - Shell
- 9 - Crown
- 10 - 7-Eleven
- 11 - Wawa *Auto 6/10/95*
- 12 - ~~Closed Shell~~
- 13 - Shell
- 14 - 7-Eleven

~~15 - Shell~~
~~16 - Shell~~
~~17 - Shell~~

18 - Farm Store - Gas

PART OF BALTIMORE CO.
ZONING MAPS NE-4H &
NE-4I - 1992

SHOWING

PARCEL C OF
RECORD PLAT 43/20
OWNED BY
CLOVERLAND FARMS DAIRY, INC.

SCALE: 1" = 200'

DATE: AUGUST 17, 1995

G.W. STEPHENS JR. & ASSOC.

96-79-XA

D.R. 16

D.R. 16

D.R. 10.5

D.R. 16

BM-CCC

BM-CCC

BM-CSA

BR-CCC

BL-CSA

SITE

BL

BL-CCC

BL

D.R. 16

MARTIN BOULEVARD
ELEMENTARY SCHOOL

RIVERTON

BALLARD

DORNTON

AVENUE

ENDSLEIGH

ROAD

CHILWORTH

AVENUE

BECKLOW

AVENUE

EGO DR.

MIDEGO DR.

HARDING

LAIRWAY

MIDCLASS DR.

WINDLASS

DR.

MIDDLEWAY RD.

BLVD.

DIHEDRAL

DRIVE

N13,000 N13,000

POINT OF BEGINNING
OR N14,000

ROAD

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - SW/Corner Middle River Road & Windlass Drive (1302 Windlass Drive) 15th Election District 9th Councilmanic District Cloverland Farms Dairy, Inc. Petitioners

* CHIEF OF THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 96-79-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 1302 Windlass Drive, located in the vicinity of Martin Boulevard in Middle River. The Petition was filed by the owners of the property, Cloverland Farms Dairy, Inc., by John M. Kemp, Vice President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special exception to permit a fuel service station on an individual site with a use in combination food store with a sales area larger than 1500 sq.ft., pursuant to Sections 405.4.E.1 and 405.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.) In addition to the special exception relief sought, the Petitioners seek a variance from Section 405.4.B of the B.C.Z.R. to waive the required restroom facility. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioners were John M. Kemp, Vice President of Cloverland Farms Dairy, Inc., and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants.

Testimony and evidence offered revealed that the subject property consists of 1.287 acres, more or less, zoned B.M.-C.C.C. and is presently improved with a Royal Farm retail-convenience store, which has existed on

the site for 20 years. The Petitioners propose to renovate the existing store and install fuel pump islands to provide one stop convenience shopping for its customers. Many of the fuel oil companies are installing convenience store operations, and conversely, many convenience stores are now offering fuel. Testimony indicated that approval for up to four pump islands has been requested, although only three may be installed at the present time. The Petitioners testified that the site will be extensively rehabilitated, including additional landscaping as shown on the site plan.

The Petition for Special Exception is governed by Section 502.1 and Section 405 of the B.C.Z.R. As to Section 502.1, it is clear that the use proposed will not be detrimental to the health, safety and general welfare of the surrounding locale. The Royal Farm Store has existed on the property for many years and has not caused any ill effects upon the community nearby. Furthermore, the requirements of Section 405 of the B.C.Z.R. will be met and is supported by the marketing study submitted into evidence as Petitioner's Exhibit 2. This study states that the proposed renovations and plan are economically viable and as such, are in compliance with Section 405.3 of the B.C.Z.R.

It should be noted that favorable Zoning Plans Advisory Committee (ZAC) comments were received from the Office of Planning and Zoning in which they state that this is an opportunity for the owners to upgrade the subject property. Furthermore, they suggested that additional landscaping be installed to buffer the uses from the adjoining residential community. Therefore, the granting of this relief shall be contingent upon the Petitioners submitting a landscape plan for review and approval by the Landscape Architect for Baltimore County. In addition, comments were submitted by the Department of Environmental Protection and Resource Management

(DEPRM) which indicate that at one time, gasoline tanks were present on this site, but were removed in 1991. However, there was no evidence of any contamination of any kind. Thus, it appears that the requested special exception meets the approval of the various Baltimore County reviewing agencies and should therefore be granted.

As to the Petition for Variance, the Petitioners have requested a waiver of restroom requirements. They indicate that loitering is a problem in this area and that the lack of a restroom facility on the subject property will discourage loitering at or near the site. This request is consistent with the comments submitted by the Office of Planning and Zoning and clearly, will not be detrimental to the surrounding locale.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

ORDER RECEIVED FOR FILING
Date 11/24/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/24/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/24/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/24/93
By [Signature]

7) Prior to the issuance of any use permits, the Petitioners shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County.

8) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 405.4.B of the B.C.Z.R. to waive the required restroom facility, be and is hereby GRANTED.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 24, 1995

(410) 887-4386

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SW/Corner Middle River Road & Windlass Drive
(1302 Windlass Drive)
15th Election District - 5th Councilmanic District
Cloverland Farms Dairy, Inc. - Petitioners
Case No. 96-79-XA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

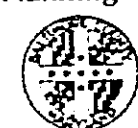
LES:bjs

cc: Mr. John M. Kemp, Vice President, Cloverland Farms Dairy, Inc.,
2200 N. Monroe Street, Baltimore, Md. 21217

People's Counsel
file

ORDER RECEIVED FOR FILING
Date 11/24/93
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 24, 1995

(410) 887-4386

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
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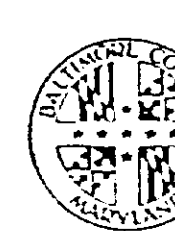
Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. John M. Kemp, Vice President, Cloverland Farms Dairy, Inc.,
2200 N. Monroe Street, Baltimore, Md. 21217

People's Counsel
file



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 1302 Windlass Drive, Baltimore, MD 21220
which is presently zoned BM-COC

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for SPECIAL EXCEPTION pursuant to Sections 405.4.E.1 and 405.2.B of the Baltimore County Zoning Regulations to permit a full service station on an individual site with a use in combination food store with a sales area larger than 1,500 square feet

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above "Special Exception" advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person/Owner

City or Post Name
Signature
Address
City State Zip

Attorney for Petitioner

Robert A. Hoffman
2200 N. Monroe Street
Baltimore, Maryland 21217
City State Zip
Phone No. 669-2222 (X103)
Venable, Baetjer and Howard LLP
210 Allegheny Avenue
Towson, MD 21204
City State Zip
Phone No. 494-6200

ORDER RECEIVED FOR FILING
Date 11/24/93
By [Signature]

Legal Owner(s)

Cloverland Farms Dairy, Inc.
By: John M. Kemp
Signature John M. Kemp, Vice President
City or Post Name
Signature
Address
City State Zip

Robert A. Hoffman
Venable, Baetjer and Howard LLP
210 Allegheny Avenue
Towson, MD 21204
City State Zip
Phone No. 494-6200

ESTIMATED LENGTH OF HEARING
Date
Reviewed By
Date



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 1302 Windlass Drive, Baltimore, MD 21220
which is presently zoned BM-COC

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 405.4.B of the Baltimore County Zoning Regulations to waive the required restroom facility.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship to be determined at hearing)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person/Owner

City or Post Name
Signature
Address
City State Zip

Attorney for Petitioner

Robert A. Hoffman
2200 N. Monroe Street
Baltimore, Maryland 21217
City State Zip
Phone No. 669-2222 (X103)
Venable, Baetjer and Howard LLP
210 Allegheny Avenue
Towson, MD 21204
City State Zip
Phone No. 494-6200

ORDER RECEIVED FOR FILING
Date 11/24/93
By [Signature]

Cloverland Farms Dairy, Inc.
By: John M. Kemp
Signature John M. Kemp, Vice President
City or Post Name
Signature
Address
City State Zip

2200 N. Monroe Street
Baltimore, Maryland 21217
City State Zip
Phone No. 669-2222 (X103)
Venable, Baetjer and Howard LLP
210 Allegheny Avenue
Towson, MD 21204
City State Zip
Phone No. 494-6200

ESTIMATED LENGTH OF HEARING
Date
Reviewed By
Date

73
96-79-XA

Description of Parcel C from Record Plat 43-20
to accompany Special Exception and Variance requests.

August 17, 1995

Beginning for the same at a point on the western right-of-way line of Middle River Road, said point of beginning being also located South 18° 15' East 63 feet from the intersection of the centerlines of Windlass Drive and Middle River Road running thence and leaving said point of beginning, binding on the existing western right-of-way line the following course:

- 1 - A curve to the right, having a radius of 2684.31 feet, a length of 174.47 feet and a chord bearing and length of South 38° 32' 08" East 395.02 feet, thence leaving said right-of-way line the following courses:
- 2 - South 50° 58' 07" West 115.21 feet.
- 3 - South 83° 21' 30" West 225.65 feet.
- 4 - North 70° 15' 00" West 55.90 feet.
- 5 - A curve to the right, having a radius of 15.00 feet, a length of 15.96 feet and a chord bearing and length of North 39° 46' 06" West 15.32 feet.
- 6 - North 09° 17' 10" West 89.66 feet to a point on the southern right-of-way line of Windlass Drive thence binding on the said southern right-of-way line the following courses:
- 7 - A curve to the left, having a radius of 553.00 feet, a length of 268.58 feet and a chord bearing and length of North 63° 38' 56" East 278.11 feet.
- 8 - South 88° 20' 48" East 35.46 feet to the point of beginning.

Containing 1.287 acres of land more or less.

NOTE: The above description is for Zoning purposes only and is not to be used for conveyances or agreements.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: 9/2/95
Posted for: Special Exception Hearing
Petitioner: Royal Farm Store
Location of property: 1302 Windlass Drive
Location of Sign: Along roadway on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 9/2/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/21, 1995.

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 8/17/95 ACCOUNT: R0016150
96-79-XA AMOUNT: \$ 620.00
RECEIVED FROM: Venable, Baetjer and Howard
FOR: 1302 Windlass Dr.
Handwritten: 300.00
Handwritten: 250.00
Handwritten: 250.00
VALIDATION OR SIGNATURE OF CASHIER

111 West Chesapeake Avenue
Towson, MD 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 73

Petitioner: Cloverland Farms Dairy, Inc.

Location: 1302 Windlass Drive, Baltimore, MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Robert A. Hoffman

ADDRESS: 210 Allegheny Avenue

Towson MD 21204

PHONE NUMBER: (410) 494-6262

Ad: ggs

(Revised 04/09/93)

TO: POTTERY PUBLISHING COMPANY
September 21, 1995 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esq.
210 Allegheny Avenue
Towson, MD 21204
494-6200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-79-XA (Item 73)
1302 Windlass Drive - Royal Farm Store
SAC Middle River Road and Windlass Drive
15th Election District - 5th Councilmanic
Legal Owner: Cloverland Farms Dairy, Inc.
HEARING: TUESDAY, OCTOBER 10, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception to permit a full service station on an individual site with a use-in-combination food store with a sales area larger than 1,500 sq. ft.
Variance to waive the required restroom facility.

LAWRENCE E. SCHWARTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 11, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-79-XA (Item 73)
1302 Windlass Drive - Royal Farm Store
SAC Middle River Road and Windlass Drive
15th Election District - 5th Councilmanic
Legal Owner: Cloverland Farms Dairy, Inc.

HEARING: TUESDAY, OCTOBER 10, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception to permit a full service station on an individual site with a use-in-combination food store with a sales area larger than 1,500 sq. ft.
Variance to waive the required restroom facility.

Arnold Jablon
Director

cc: Cloverland Farms Dairy, Inc.
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 3, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 73
Case No.: 96-79-XA
Petitioner: Cloverland Farms

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 17, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (867-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM
FROM: Pat Keller, Director, OP
SUBJECT: 1302 Windlass Drive

INFORMATION:

Item Number: 73

Petitioner: Cloverland Farms Dairy, Inc.

Property Size: _____

Zoning: BM-CDC

Requested Action: Variance and Special Exception

Hearing Date: 10/10/95

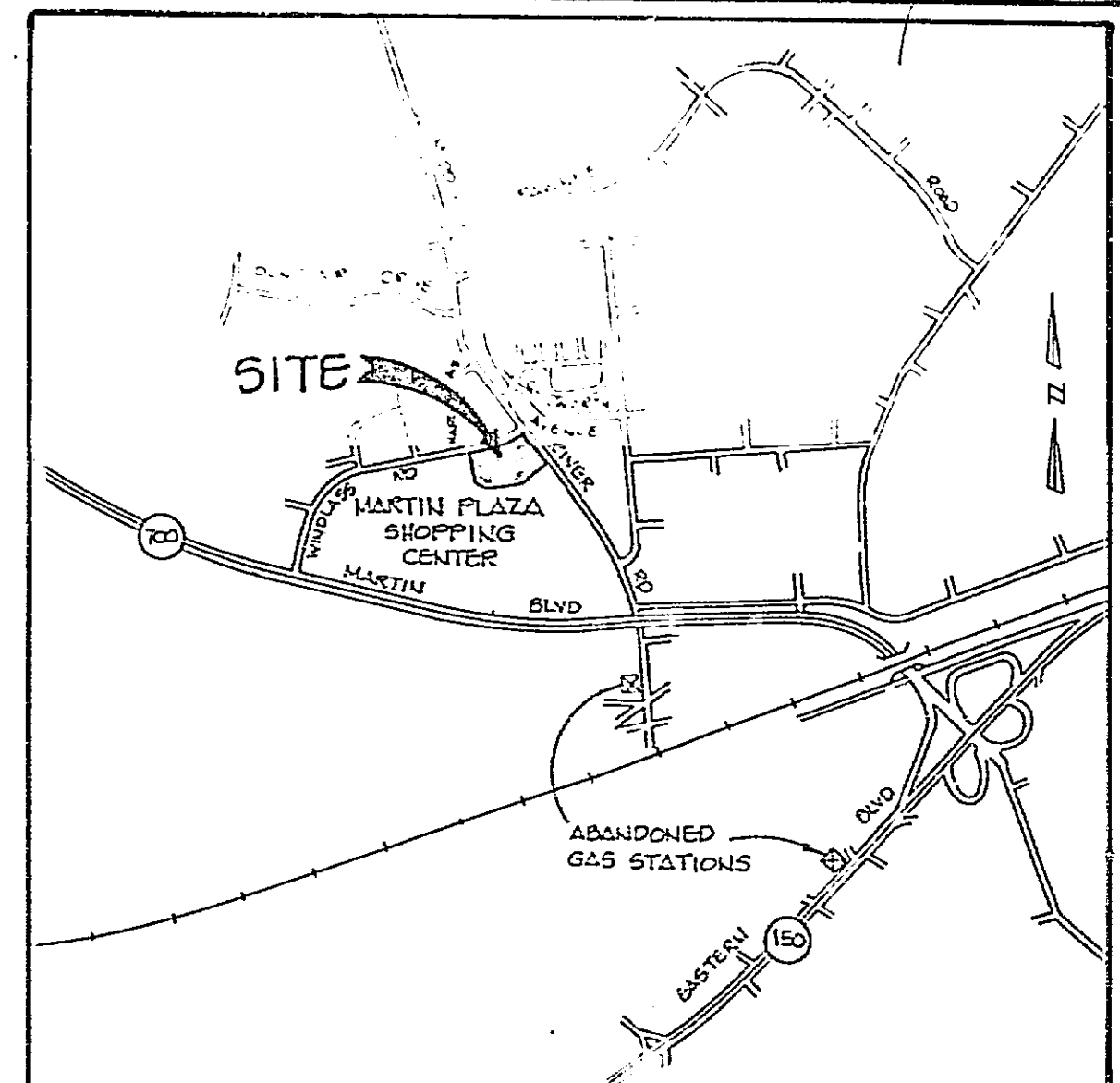
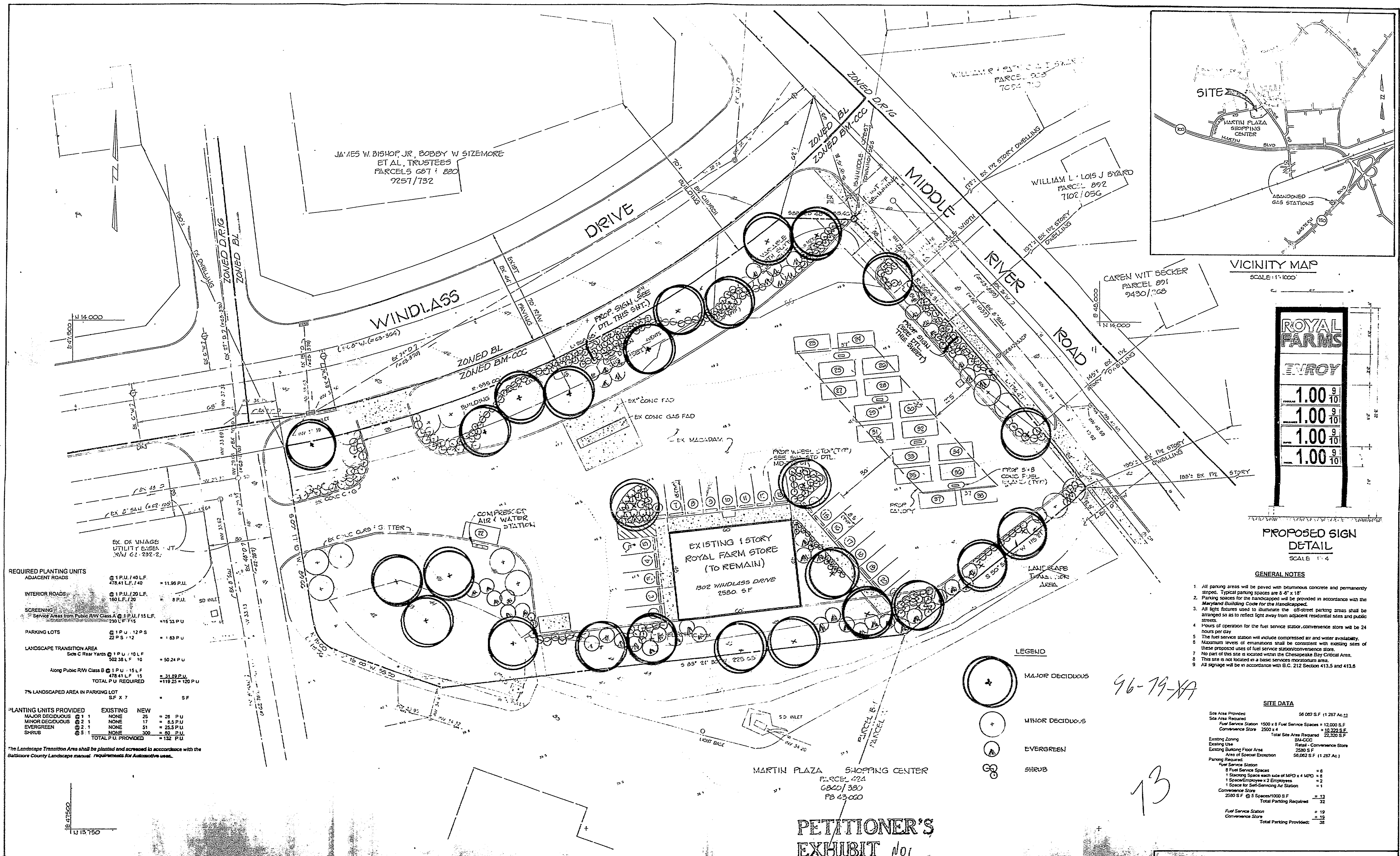
SUMMARY OF RECOMMENDATIONS:

The existing Royal Farm Store has an unkempt appearance and no landscaping exists which would serve to improve the site's image. The dumpster area is suffering from deferred maintenance, and the parking lot is used for tractor trailer parking in the evening hours.

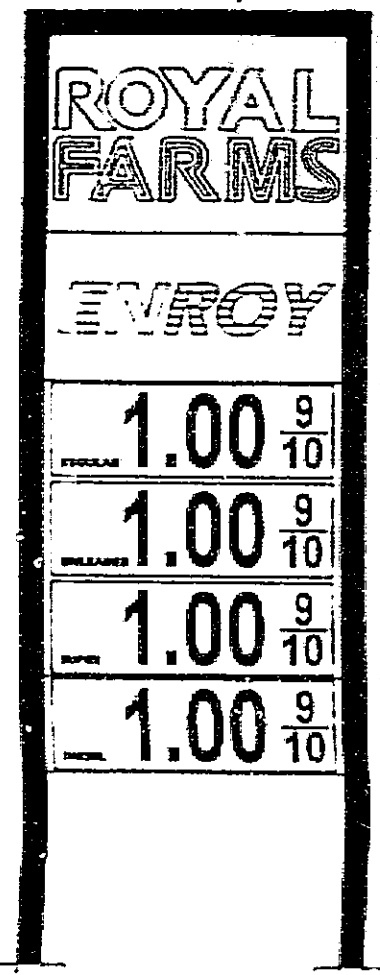
The proposed renovation of this property provides an opportunity to bring this site into compliance with current standards. The renovation should include refacing the building, screening the dumpsters and replacing the existing pole sign (staff recommends a ground mounted sign to replace the existing sign). Careful consideration of light standard location and direction must also be addressed. In addition, landscaping of the site should be used to help establish a positive public image which might result in discouraging the amount of loitering which has plagued the existing convenience store.

It is also recommended that the applicant seek input from the Baltimore County Police Department regarding issues not limited to the following:

- 1) Loitering
- 2) Parking of tractor trailers
- 3) Use of window advertising signs



VICINITY MAP
SCALE: 1" = 1000'



PROPOSED SIGN
DETAIL
SCALE: 1" = 4'

GENERAL NOTES

1. All parking areas will be paved with bituminous concrete and permanently striped. Typical parking spaces are 8'-6" x 10'.
2. Parking spaces for the handicapped will be provided in accordance with the Maryland Building Code for the Handicapped.
3. All light fixtures used to illuminate the off-street parking areas shall be arranged so as to reflect light away from adjacent residential sites and public streets.
4. Hours of operation for the fuel service station/convenience store will be 24 hours per day.
5. The fuel service station will include compressed air and water availability.
6. Maximum levels of emanations shall be consistent with existing sites of these proposed uses of fuel service station/convenience store.
7. No part of the site is located within the Chesapeake Bay Critical Area.
8. This site is not located in a basic services moratorium area.
9. All signage will be in accordance with B.C. 212 Section 413.5 and 413.6.

LEGEND

- MAJOR DECIDUOUS
- MINOR DECIDUOUS
- EVERGREEN
- SHRUB

SITE DATA

Site Area Provided	56,067 S.F. (1.287 Ac.)
Site Area Required	
Fuel Service Station	1500 x 8 Fuel Service Spaces = 12,000 S.F.
Convenience Store	2500 x 4
	Total Site Area Required = 22,320 S.F.
Existing Zoning	BM-CCO
Existing Use	Retail - Convenience Store
Existing Building Floor Area	22,320 S.F.
Area of Special Exception	56,067 S.F. (1.287 Ac.)
Parking Required	
Fuel Service Station	8 Fuel Service Spaces
	1 Stacking Space each side of MPD x 4 MPD = 8
	1 Stacking/Employee x 2 Employees = 2
	1 Space for Self-Service Air Station = 1
Convenience Store	
2500 S.F. @ 5 Spaces/1000 S.F.	= 13
Total Parking Required	= 22
Fuel Service Station	= 19
Convenience Store	= 19
Total Parking Provided	= 38

REQUIRED PLANTING UNITS

ADJACENT ROADS	1 P.U. / 40 L.F.	475.41 L.F. / 40	= 11.88 P.U.
INTERIOR ROADS	1 P.U. / 20 L.F.	160 L.F. / 20	= 8 P.U.
SCREENING	Service Areas from Public R/W Class A @ 1 P.U. / 15 L.F.	230 L.F. / 15	= 15.33 P.U.
PARKING LOTS	1 P.U. / 12 P.S.	22 P.S. / 12	= 1.83 P.U.
LANDSCAPE TRANSITION AREA	1 P.U. / 10 L.F.	502.38 L.F. / 10	= 50.24 P.U.
Along Public R/W Class B @ 1 P.U. / 15 L.F.	478.41 L.F. / 15		= 31.89 P.U.
TOTAL P.U. REQUIRED			= 119.25 = 120 P.U.
7% LANDSCAPED AREA IN PARKING LOT	SF x 7		= SF

PLANTING UNITS PROVIDED

EXISTING	NEW	
MAJOR DECIDUOUS @ 1	NONE	25 = 25 P.U.
MINOR DECIDUOUS @ 2	NONE	17 = 8.5 P.U.
EVERGREEN @ 2	NONE	51 = 25.5 P.U.
SHRUB @ 5	NONE	300 = 60 P.U.
TOTAL P.U. PROVIDED		= 132 P.U.

The Landscape Transition Area shall be planted and screened in accordance with the Baltimore County Landscape manual requirements for Automotive uses.

<p>GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC. CIVIL ENGINEERS & LAND SURVEYORS 658 KENILWORTH DRIVE, SUITE 100 TOWSON, MARYLAND 21204 (410) 825-8120</p>	<p>OWNER/DEVELOPER Cloverland Farms Dairy, Inc. 2200 North Monroe Street Baltimore, Maryland 21217 (410) 669-2222</p>	<p>SPECIAL EXCEPTION & VARIANCE REQUESTED</p> <ul style="list-style-type: none"> • Special exception to permit a fuel service station on an individual site with a use in combination food store with a sales area larger than 1500 S.F. (Section 405.4.E.1 & Section 405.2.B) • Variance to waive restrooms (Section 405.4.B) 	<p>PLAT TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE REQUEST WITH SCHEMATIC LANDSCAPING ROYAL FARM STORE 1302 Windlass Drive Baltimore, Maryland 21220 Election District 15 Councilmatic District 5 Scale: 1" = 20'</p>	<p>96-79-XA 13</p>
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